

**Minutes of the Carlisle Board of Health
April 16, 2013**

Present: Board members Jeff Brem (Chairman), Catherine Galligan, Vallabh Sarma, Bill Risso, Donna Margolies; also present Linda Fantasia (Agent) and Karina Coombs (Mosquito).

The meeting was called to order by the Chairman at 7:05 pm. at Carlisle Town Hall.

ADMINISTRATIVE REPORTS

- **Title 5 Inspection Reports** – new form (March 2013). Fantasia explained that alternative systems (I/A) must be noted but not necessarily identified. Contract and conditions should be attached to the report. Many of the passive I/A systems do not have reporting conditions or contracts. She and Lyman are working out a better tracking inventory for systems installed in Carlisle.
- **Septic System Application Self Certification**– The first draft is done. The Board would prefer to call it a check list.
- **Public Health Emergency Preparedness (PHEP)** – The Board has requested additional clerical hours to update the Emergency Dispensing Site (EDS) plan. The Region will decide if there are funds available later in the week.
- **Individuals Requiring Additional Assistance (IRAA)** – There is a workshop on 4/18/13 at the Shriver Center in Waltham on “Active Planning for Mass Care Sheltering and Evacuation of People with Disabilities”. Fantasia will attend.
- **Eljen, Presby, GeoFlow I/A Approvals** - DEP issued revised General Use and Remedial Approvals. The full text is available on the DEP website.
- **Flu Clinic Reimbursements** – Commonwealth Medicine (COM) sent a final payment for insurance reimbursements they collected for flu clinics held in Carlisle in 2011. Total reimbursement to the town was \$591.68. Fantasia will check with Larry Barton on how the money is being held.
- **Police Station Groundwater Remediation Plan** – Under the DEP approved Response Action Outcome (RAO) the site must be monitored every five years. It was last done by ENSR on 10/3/2008. There is no active treatment currently. Fantasia will check with the town administrator about the requirement.
- **Wellness Grant for Tobacco Free Senior Housing** –Galligan, Fantasia and David Klein (Council on Aging) have been accepting applications for the project coordinator. Since the work is scheduled to begin in May and must be completed by 9/30/13 Galligan suggested that the Board authorize a Board member to approve hiring of the project coordinator. **It was moved (Risso) and seconded (Sarma) to authorize Galligan to hire the Wellness Grant project coordinator. Motion passed 5-0-0.**

SEPTIC LOAN APPLICATION

13-01(T5) – The owners appeared before the Board. Fantasia explained that the system failed a Title 5 Inspection on 4/5/13. The owners are requesting a loan of \$40,000 which will be paid back as a 10-year betterment on the property (or sooner) at 5% per annum. The Owners are willing to execute a betterment agreement which will be recorded on the property deed. Installation costs ranged from \$43,865 to \$55,300. The request is based on a total cost of \$52,896.69. An engineering cost breakdown and two construction estimates were submitted along with proof of financial eligibility which was reviewed and approved by Larry Barton, Finance Director. The septic permit was issued on 1/23/13. The design did not require any waivers. The site is constrained due to wetlands and steep grades requiring a special access road to be built for the heavy equipment. Additional costs include cleanup of sewage which had backed up into the house and a dry well for backwash from the water softener. The owners hired Lincoln Tree & Landscape to do the work. The official Title 5 Report has not yet been submitted.

The Board explained to the owners that the money comes from the state through DEP and is administered by the Water Pollution Abatement Trust. The town was authorized by the 2012 town meeting to borrow up to \$200,000. This would also provide a \$10,000 administrative grant. Initially the Board intended to request \$100,000 but Fantasia was informed by Nihar Mohanty of DEP that only \$5000 of the grant is available for each \$100,000 request. Most towns submit requests in increments of \$200,000 and he recommended that Carlisle do the same.

The Board noted that the Finance Director has reservations about holding funds that are not tied to a specific loan request. Galligan informed the Board that there is a \$2200 legal bill for reviewing the second round loan documents signed by the Selectmen. This seems high since town counsel prepared the original forms. Risso said that the note matures in three years. Requesting one-half does not change the maturity date. The Board agreed to request the full \$200,000.

After hearing the testimony and reviewing the documents submitted the Board found that the property met the eligibility criteria for the loan. Although the application did not include three bid estimates, the Board felt that the estimates submitted was appropriate for the work. The Board noted that the total on the application should be corrected to agree with the documentation.

It was moved (Risso) and seconded (Margolies) to approve a Community Septic Loan in the amount of \$40,000 for 103 Indian Hill Road, Carlisle, MA to replace a failed soil absorption system noting that although the application did not provide the required number of estimates, the Board found that the costs presented were reasonable and the approval of the loan is conditional upon executing the required Betterment Agreements and submittal of an official Title 5 Inspection Report prior to disbursement of any funds. Motion passed 5-0-0.

The owners thanked the Board, Fantasia and Sylvia Willard, Conservation Administrator for their assistance.

PUBLIC HEARING (cont): Proposed Revisions to the Town of Carlisle Supplementary Sewage Disposal Regulations.

15.220 Preparation of Plans and Specifications: the Board reviewed the 4/16/13 revised draft. New items to be listed on the Plan View include dry well locations, and I/A Certification Approvals.

15.021 Certificate of Compliance: new wording will be added requiring written certification from the engineer and installer within 30 days of the final inspection in accordance with Title 5 and a list of deviations from the approved plan. The Board edited the second paragraph and agreed to list the as-built requirements in bulleted format and add that fill inspections can be requested for an additional charge. Brem noted that Westford sends out a letter of deficiencies. Fantasia asked if the requirements could be listed as an Attachment to the Regulation so that it could be changed more easily. Regulations deal with more substantive public health issues whereas plan requirements involve performance standards. The Board did not agree and will keep the requirements within the regulation.

15.024 Violations: new wording will be added that the Board may rescind “by a majority of sitting members at the hearing”.

15.223 Septic Tanks: Pump Chambers will also be referenced in this section. New wording will be added that “only medium grade or higher cast iron covers and frames are allowed.”

15.280-288 Alternative Systems: “DEP Letter of Approval must accompany the filing” will be added.

The Board agreed to prepare a second draft. The Board decided on the following meeting dates: 5/14/13, 5/28/13, 6/11/13, 6/25/13, 7/16/13, 8/13/13, 9/3/13, 10/8/13, 10/22/13, 11/12/13, 12/3/13, 12/17/13.

It was moved (Risso) and seconded (Galligan) to continue the hearing to May 14th. Motion passed 5-0-0.

DISCUSSION ITEMS

Great Brook Farm Ice Cream Stand – Food Establishment Permit. Mark and Tamma Duffy were in attendance along with a number of interested parties.

Fantasia explained that the Board had received an email from Scott Padden, State Plumbing Inspector stating that the stand was not in compliance with the Plumbing Code because there was no public restroom in the renovated area and in his opinion the ice cream stand should not open until the matter was resolved. A public restroom is required

for an area with more than nineteen seats. Brem said the Board of Health enforces the Food Code and does not have authority to enforce the Plumbing Code. He had spoken with John Luther, Building Inspector, who explained that the only local permit required under the Building Code is for wiring. The state inspectors are responsible for all other activities. The Board agreed that its duty lies in the protection of the public health for the operation of the ice cream stand. The Board is required to issue an annual food establishment permit. Fantasia said that Duffy had provided a diagram of the various sanitary discharges on the farm which include a bathroom in the new barn, visitor center, and leaching field for the house and workshop. Copies were made available to the Board. The Food Code only addresses employee bathrooms which are available at several locations. Grey water from the stand discharges to an existing system. The stand is scheduled for an inspection later in the week. Galligan noted that the Plumbing Inspector mentioned port-potties and the need for a waiver. Brem said this might be a possible option.

Duffy said they have been in the business of food production in Carlisle for 25 years without problem. The Dept. of Public Health did an inspection last year without noting any problems. The Board's inspector also noted how well run the operation was. The Board agreed that it had not had problems with the operation of the stand and did not feel it had the authority to enforce another department's code.

It was moved (Risso) and seconded (Galligan) to issue the seasonal Food Establishment Permit for Great Brook Ice Cream Stand upon a satisfactory inspection by the Board's consultant. Motion passed 5-0-0.

The Duffys thanked the Board for their feedback.

309 Nowell Farm Road – installation of an above ground, outdoor oil tank.

Fantasia wanted the Board to be aware of the permit she had issued to install an above ground outdoor home heating oil tank to replace one in the basement of the house. The tank will be located in a covered concrete dike treated with a petroleum compatible coating and capable of containing 120% volume of the 300 gallon oil tank should there be a leak. The Fire Chief has approved the request and will inspect the installation. The Board would like an As-built.

108 Hemlock Hill Road – Garbage Grinder Deed Restriction not recorded. The Board had approved an addition to the house last December conditional upon recording a restriction prior to issuance of a building permit. The work has been done but the Restriction has not been recorded. The Board agreed to send a letter to the owner.

100 Long Ridge Road – manure odor complaint. (Brem, owner of the property, recused himself from the Board. Risso assumed the Chair). Mike Hanauer, a neighbor at 200 Long Ridge Road submitted two complaints about continuing odors from the horse manure on the property. He is concerned that runoff from the property could eventually pollute groundwater in the area and affect his well. Fantasia had the Animal Inspectors Larry Sorli and Deb Toher to do a site visit. They reported no problems and no odors both on the property and in the area in general. Last fall the Board had asked its engineer, Rob Frado, to assess surface runoff during soil testing. Frado concluded that the drainage pattern would be away from the stream that concerned Hanauer. Fantasia notified Hanauer of both reports. Hanauer questioned what kinds of requirements the town had for managing manure. Fantasia will send a copy of the local regulations. Margolies said Hanauer does not seem to have confidence in the Board's ability to do its job. The Board has acted quickly and responsibly to his complaints and there was no reason to take any other action. The barn has been licensed each year without problems. Fantasia said the next step to resolve a conflict would be to arrange a meeting with all parties and the town administrator. The Board noted that they had never had complaints about the keeping of horses on the property until the owner began exploring development.

The Board then recognized Brem who said the old pile had been removed about two months ago. It could not be done earlier because of winter snow. He is careful to manage the manure piles by turning them over regularly. Eventually they become compost. A well-managed pile does not have odors. Brem has a manure management plan that he follows every year. The piles are rotated regularly and actively managed to enhance composting. The operation has not changed, but this is the first year he has had a complaint. The property consists of five acres. He has tried to talk with Hanauer to resolve his concerns. He agreed with Frado's report that slope of the land is away from the area that concerns Hanauer. Risso asked how tall are the piles and Brem responded about 15'. The piles do

not need fly treatment because the heat buildup prevents infestations. Occasionally when he is working or moving a pile there could be a temporary odor but it resolves quickly.

The Board agreed that without any new evidence to the contrary, there was no reason to take any action. Hanauer will be advised of the Board's decision. (Brem returned to the Board).

FY14 Budget – The Finance Committee approved the Board's request for level funding (\$86,620).

Fees – Galligan proposed increasing the pool fee from \$50 to \$100. Last year's inspection at the Children's Place cost \$90. The Board is required to inspect public and semi-public pools. The daycare center has an older, above ground pool. They offer small group lessons to the children. Galligan said there is no reason for the town to subsidize a private venture. **It was moved (Galligan) and seconded (Margolies) to increase the pool fees from \$50 to \$100. Motion passed 5-0-0.**

Brem suggested that as an interim measure, the Board adopt the revised inspection schedule for septic installations. **It was moved (Galligan) and seconded (Margolies) to adopt the revised inspection schedule (bottom of bed, installation of all components, final grade) effective until June 30, 2013. Motion passed 4-1(Risso)-0.**

53E Revolving Account – the account is replenishing and no longer in danger of a deficit. There is also a cushion for the administrative assistant with some grant money.

OS&R – the committee would like comments by 5/10/13.

Minutes: The Board reviewed and edited the minutes.

It was moved (Galligan) and seconded (Risso) to approve the minutes of 1/8/13 as amended. Motion passed 5-0-0. It was moved (Galligan) and seconded (Risso) to approve the minutes of 1/29/13 as amended. Motion passed 5-0-0. It was moved (Risso) and seconded (Margolies) to approve the minutes of 3/5/13 as amended. Motion passed 5-0-0.

BILLS – include \$1500 as the grant reimbursed one-half share of the Blackboard Connect notification system; \$160 CHNA grant funded supplies for the Tick Talk; 2 hours for Frado from the T5 Grant for the Title 5 Inspection preparation and discussion group and \$360 from the revolving account for legal notices for the public hearings on the Supplementary Regulations.

It was moved (Galligan) and seconded (Risso) to approve the bills as presented. Motion passed 5-0-0.

There was no further business. Meeting voted to adjourn at 9:16 pm.

Respectfully submitted,

Linda M. Fantasia,
Recorder